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REMARKS

TC 1700

Initially, Applicants wish to thank the Examiner for noting the deficiencies in the Amendment filed on April 15, 2003 and for the opportunity to correct such deficiencies after final. Applicants now have noted that claims 1-20 were cancelled previously and have indicated by proper markings the current amendment to claim 23. Applicants respectfully request that the application now be considered in view of the Amendment and the following remarks.

Applicants are claiming a shaped surgical article comprising a matrix. The matrix comprises a continuous phase and a dispersed phase. The dispersed phase comprises a crystalline or semi-crystalline material formed during the relatively low temperature annealing step, for example as seen in Example 7, Page 21, lines 16-18. The dispersed crystalline phase has a melting temperature lower than the melting temperature of the continuous phase. As the surgical article is heated, the material in the crystalline dispersed phase becomes transparent or otherwise visually changes (Page 6, lines 18-22 and Example 8), thus changing the visual characteristics of the article and providing a visual cue to the physician that the article may be shaped. As the article is cooled, the crystalline dispersed phase is cooled and the article resumes its original visual characteristics. Advantageously, the visual cue is provided above the melting point of the dispersed phase and below 65°C.

Claims 21-25 have been rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kaplan '624. Applicants respectfully traverse the rejection.

Kaplan is directed to polymer blends useful for making surgical articles having improved mechanical properties, such as improved impact resistance and improved cyclic flex. Applicants respectfully submit that Kaplan fails to disclose or suggest a two-phase system comprising a crystalline or semi-crystalline phase dispersed within a continuous phase. Applicants further submit that Kaplan is silent regarding surgical articles that, when heated to temperatures greater than the melting temperature of the dispersed phase and less than about 65°C, will provide a visual cue indicating that the articles may be shaped. In fact, the articles disclosed in Kaplan are heated to temperatures ranging from 85°C to 100°C, which would eliminate any crystalline structure in the articles and prevent any visual cue upon heating. In the absence of the crystalline phase, heating of articles disclosed in Kaplan would not provide a visual cue for purposes of shaping the article. Accordingly, Applicants

respectfully submit that Kaplan clearly fails to anticipate claims 21-25 or to tender same obvious. In view of the above, Applicants respectfully request that the rejections of claims 21-25 in view of Kaplan be withdrawn.

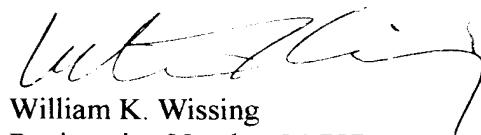
Claims 21-25 have been rejected under 35 U.S.C. 102(b) as anticipated by Cooper (EP '044). Applicants respectfully traverse the rejection.

As with Kaplin, it is respectfully submitted that Cooper does not disclose a two-phase system comprising a crystalline or semi-crystalline phase dispersed within a continuous phase. As with Kaplan, Cooper is silent regarding surgical articles that, when heated to temperatures of less than about 65°C, will provide a visual cue indicating that the articles may be shaped. As with Kaplan, Cooper heats the articles to temperatures ranging from 85°C to 100°C, which would eliminate any crystalline structure in the articles and prevent any visual cue upon heating and cooling. Accordingly, Applicants respectfully submit that Cooper clearly fails to anticipate claims 21-25. In view of the above, Applicants respectfully request that the rejections of claims 21-25 in view of Cooper be withdrawn.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, in that is suggested that the Markush language is improper. Applicants have amended claim 23 to correct a typographical error in the language, although Applicants submit that "selected from the group consisting of" is proper Markush language and request that the rejection of claim 23 be withdrawn. Should the Examiner intend to maintain the rejection of claim 23 under 35 U.S.C. 112, second paragraph, Applicants would welcome a phone conversation to discuss the Markush language.

Based on all of the foregoing Applicants respectfully submit that claim 21-25 are patentable and earnestly request a notice of allowance to that effect.

Respectfully submitted



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